

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION**

Pamela Drain, individually and as mother and
Guardian of R.D., a minor under the age of
fourteen,)
Plaintiff,) Civil Action No.: 5:18-cv-03267-JMC
v.)
South Carolina Department of Education,)
Defendant.)

ORDER

On Tuesday, September 17, 2019, the court held a hearing whereby Plaintiff Pamela Drain (“Drain”), by and through counsel, orally moved to amend her Complaint so as to remove the allegations contained in paragraph 40 relating to SDOE’s alleged “violat[ion] [of] law for not providing R.D. with a complete IEP.” (ECF No. 1-2 at 6.) The court **GRANTS** Drain’s oral Motion to Amend. In accepting Drain’s oral Motion to Amend, the court notes that this Order does not prevent Drain from bringing future federal claims against SDOE. This Order does not preclude SDOE from raising defenses to such claims.

For the foregoing reasons, the court **GRANTS** Drain's oral Motion to Amend her Complaint so as to remove the allegations contained in paragraph 40 (ECF No. 1-2 at 6). The court also **DECLARES AS MOOT** SDOE's Motion for Summary Judgment as it relates to Plaintiff's IDEA claim (ECF Nos. 2, 2-4). Consequently, because there are no federal questions remaining in this case, this court lacks subject matter jurisdiction over the case and, therefore, **DISMISSES** the remainder of the case without prejudice. Fed. R. Civ. P. 12(h)(3); *Goldsmith v. Mayor & City*

Council of Baltimore, 845 F. 2d 61, 64 (4th Cir.1988) (“A federal court is obliged to dismiss a case whenever it appears the court lacks subject matter jurisdiction.”).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "J. Michelle Childs".

September 17, 2019
Columbia, SC

United States District Judge